

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

**DON RICARD; MATTHEW
PUSATERI; GARY HOWARD,**

Plaintiffs,

No. 1:19-cv-01881-CL

v.

ORDER

**SARAH R. HILL; DENNIS GIBBS;
AMANDA GRAHAM; EARL
PERRY; CHRIS KABER,**

Defendants.

McSHANE, District Judge.

Magistrate Judge Mark D. Clarke has filed a Report and Recommendation, ECF No. 16, concerning Defendants' Motion to Sever, ECF No. 9. Plaintiffs have filed Objections to the Report and Recommendation, ECF No. 18, Defendants have filed a Response to Plaintiffs' Objections, ECF No. 19, and the matter is now before this Court. The Court has reviewed the file of this case *de novo*. 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court has given this matter *de novo* review and finds no error. Accordingly, the Court ADOPTS the Report and Recommendation and Defendants' Motion to Sever is GRANTED.

Rule 21 provides that misjoinder of parties is not a ground for dismissing an action entirely. Fed. R. Civ. P. 21. However, the court “may at any time, on just terms, add or drop a party.” *Id.* The Court therefore DISMISSES all claims by Plaintiff Matthew Pusateri and Plaintiff Gary Howard without prejudice and with leave to file separate actions. Plaintiff Don Ricard shall have fourteen (14) days in which to file an amended complaint stating his individual claims in this case.

It is so ORDERED and DATED this 3rd day of April, 2020.

s/Michael J. McShane
MICHAEL McSHANE
United States District Judge